

In The Matter of Merchant Mariner's Document Z-595529  
Issued To: GIORDANO BORGNOLO

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

321

GIORDANO BORGNOLO

This case comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations 137.11-1.

On February 1, 1949, the appellant, Giordano Borgnolo, appeared before an Examiner of the United States Coast Guard in New York, N.Y., and pleaded guilty to a charge of misconduct supported by two specifications, the first of which alleging that while he was employed aboard the S.S. ANTIOCH VICTORY, on August 5-6, 1946, and while the vessel was at sea, had liquor in his possession, and the second of which alleging that while he was employed, as aforesaid, he sold liquor to U. S. Army troops.

The appellant, acting as his own counsel and speaking through a competent interpreter, freely admitted possession of the liquor and the sale of the liquor to the troops. No other witnesses appeared for the appellant. No testimony was offered by the Government, other than a narrative statement of the Investigating Officer of the results of his investigation.

The Examiner, upon receiving the pleas of the appellant, and hearing the testimony of the Investigating Officer, entered an order suspending Merchant Mariner's Document Z-595529, as well as all other seaman's licenses and certificates held by the appellant for a period of twelve months commencing February 1, 1949. The suspension order provided that the first three months of the suspension were to be a period of outright suspension and the remaining nine months were to be held in abeyance during a nine months probation period.

From this order, Borgnolo appeals, submitting as the sole basis for such appeal his previous good record in the merchant service.

OPINION

The record in this case shows that the appellant did not deny possession of the liquor nor the sale of the same to the troops aboard the vessel upon which he was employed. Experience has clearly shown over the years that the possession or consumption of intoxicating liquor by the crews of merchant vessels aboard the vessel upon which they are employed militates against proper order and discipline and is a constant hazard to merchant marine safety.

Further, the sale of such intoxicating liquors to military personnel by merchant marine personnel while such military personnel is being transported in necessarily confined quarters aboard a merchant vessel jeopardizes military discipline. In view of this, I do not feel that the punishment inflicted upon the appellant is excessive and find nothing to warrant my intervening in this case.

CONCLUSION AND ORDER

It is ordered and directed that the decision and order of the Coast Guard Examiner dated February 1, 1949, should be, and it is AFFIRMED.

J.F. HARLEY  
Admiral, United States Coast Guard  
Commandant

Dated at Washington, D. C., this 13th day of April, 1949.